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**Minutes of Meeting
Grafton Planning Board
March 23, 2009**

A regular meeting of the Grafton Planning Board was held on Monday, March 23, 2009 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Christophe Courchesne, Vice-Chairman, Robert Hassinger, and Clerk Peter Parsons. Absent from the meeting were Richard McCarthy and Bruce W. Spinney III. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Courchesne called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – REQUEST FOR PLANNING BOARD DETERMINATION
– FAMILY DAY CARE HOME – 140 UPTON STREET – JENINE M. GRABAU,
PETITIONER**

Present at the meeting were applicants, Todd and Jenine Grabau. Mr. Grabau explained to the Board they wanted to establish a Family Day Care Home, which would be completely following State requirements/regulations and that they were making no changes to the existing site.

Chairman Courchesne noted that since the By-Law does not specify which Site plans require the public hearing process, the Board needs to make that determination. Mr. Parsons stated he had no issue with the request. Mr. Hassinger stated that some people from that area of town may be concerned with the traffic safety of the location, which is directly across from the traffic flow of the Gibson kennels, and the hearing process would give the public a chance to address any concerns.

Mr. Bishop noted that the Cheng-Du Restaurant applicant was not required to notify abutters, but only to advertise the hearing in the Grafton News for two consecutive weeks.

Chairman Courchesne remarked that he found this application to be moderate and very close to the line of what exactly is valuable to inform the public. Chairman Courchesne also noted that the application can be advertised if the Board is more comfortable with that path.

Mr. Bishop added the office will require a check for \$80.00 from the applicant and will place a legal notice in the Grafton News on Friday for a public hearing to be held on April 13.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to publish a legal notice for the Site plan application in the Grafton News for the next Planning Board meeting on April 13, 2009. **MOTION** carried unanimously 3 to 0.

**REQUEST TO EXTEND CONSTRUCTION DEADLINE “FOREST HILLS
CONDOMINIUMS, PHASE VII” – COMMONS DEVELOPMENT GROUP INC.,
(PETITIONER)**

Chairman Courchesne asked Mr. Bishop what type of procedure was typically followed with this request to extend the construction deadline for a condominium development. Mr. Bishop stated a one-year extension is typically granted each year after the progress is reviewed, which also allows an opportunity for any issues that may have surfaced over the year to be addressed.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the petitioner's written request to extend the construction deadline for one year to May 3, 2010. **MOTION** carried unanimously 3 to 0.

**ACTION ITEM 1-C – CONSIDER DECISION – SITE PLAN 2008-2 CHENG-DU
RESTAURANT – 387 PROVIDENCE ROAD**

Chairman Courchesne noted that a Finding corresponding to Section 1.3.3.6, relating how the Planning Board finds a Site plan in compliance, is missing from the decision and should be added.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant Site Plan 2008-2 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 3 to 0.

Chairman Courchesne noted that **Action Items D & E** decisions could not be voted due to the lack of required voting members.

**ACTION ITEM 1-F – CONSIDER PLANNING BOARD REPORTS – ZONING
MAP & PERCHLORATE PROPOSED AMENDMENTS TO ZONING BY-LAWS**

ZONING MAP

Mr. Hassinger noted that the report stated that the proposed amendment was reviewed by Town Counsel for compliance, but doesn't say what Town Counsel found. Chairman Courchesne suggested Staff amend the report to state Town Counsel reviewed the report and found it satisfactory.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve the report with the changes as noted. **MOTION** carried unanimously 3 to 0.

PERCHLORATE

Mr. Bishop stated he left the last paragraph of the report for the Planning Board's input on the proposed amendment.

Chairman Courchesne suggested Staff include in the report that the Board basically approves of the proposed amendment if the change includes a clause for Fire Department control of municipally sponsored fireworks where perchlorate would be used. Chairman Courchesne added that this clause is consistent with the Town's hazardous materials By-Law and makes perfect sense. Chairman Courchesne noted that we have real concerns expressed by the Water District and this additional language, also to be approved by the Board of Selectmen and the Board of Health, puts the contractors on notice where the By-Law isn't as specific.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to endorse the report and support the proposed by-law with the additional language and provision that uses of perchlorate are specifically approved by the Board of Selectmen in a municipally sponsored fireworks display, also subject to the Board of Health and the Fire Department review and approval. **MOTION** carried unanimously 3 to 0.

STAFF REPORT

Mr. Bishop informed the Board that they had received 15 proposals for the Streetscape program, that they were in the final review process and would be making a recommendation to the Board of Selectmen at their April 7th meeting. Mr. Bishop also noted a public notice had been sent out today soliciting public participation in the process, and having interested parties submit their names to the Board of Selectmen through a link on the website.

Chairman Courchesne also added there needed to be a solicitation of interest in the one-year and associate positions available on the Planning Board.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to approve the open session minutes of March 9, 2009 as drafted. **MOTION** carried unanimously 3 to 0.

Chairman Courchesne stated that with regard to the **Executive Session** minutes of February 25, 2009, he would call the vote noting his recusal from the motion.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to approve the **Executive Session** minutes of February 25, 2009 as drafted, holding them in confidential status until the matter is resolved. **MOTION** carried 2 to 0 and 1 abstain: Parsons-aye; Hassinger-aye and Courchesne-abstain.

SP 2009-5 COLLEEN HALLORAN (APPLICANT) – ROBERT EVANS, (OWNER) – 13 DEPOT STREET – SECURITY GUARD APARTMENT

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing at 7:43 p. m. Applicant Colleen Halloran was present for the hearing.

Chairman Courchesne informed Ms. Halloran of the lack of a super majority present on the Board, reviewed the Mullin rule with her and asked if she wished to continue with testimony or request a continuance of the hearing. Ms. Halloran stated she understood the Mullin rule procedure and stated she wished to proceed.

Ms. Halloran informed the Board that she was requesting the Board's approval of a formerly illegal apartment on the premises of 13 Depot Street. Ms. Halloran stated the apartment would be used by her family for her business purposes and had no other interests for use of the apartment.

Richard Chiros of 7 Depot Street informed the Board that he had undergone this same approval request before the Board for his business and apartment ten years ago and had no problems over the years. Mr. Chiros noted that Ms. Halloran was a good working business person, an asset to the building and the community and asked the Board's favorable consideration in approving her apartment permit.

Mr. Hassinger stated the apartment permitting would be conditioned in the decision to prevent other uses of the apartment in the case of ownership/business changes in the future.

Mr. Chiros stated the problem that the by-laws do not address the problem of reliable persons looking to relocate a business within the buildings and asked if the Board could be less restrictive with regard to the type of business owners.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 3 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 3 to 0.

**SP 2009-4 GRAFTON LAND TRUST (APPLICANT & PROPERTY OWNER) –
THREE FREESTANDING SIGNS – SECTION 4.4.4 (SIGNS-SPECIAL
CASES/RELIEF) – 31 MEADOWBROOK LAND – 62/64 POTTER HILL ROAD –
90 POTTER HILL ROAD**

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing at 8:00 p.m. Edmund Hazzard was present representing the Grafton Land Trust.

Mr. Hazzard requested the absent members invoke the Mullin Rule to be eligible to vote on this decision. Mr. Hazzard also submitted information and pictures of the current

signs that have been previously permitted by the Board. Mr. Hazzard informed the Board the Land Trust preserves open space for the citizens of Grafton, striving to make the properties more publicly visible and available through the placement of identifying signage. Mr. Hazzard stated there have been no difficulties in the placement of any of the previous signs.

Mr. Hassinger noted that correspondence was received from Albert & Mary Heck of 75 Potter Hill Road, stating they had concerns of the sign on Potter Hill Road interfering with the view from their dining room window. Mr. Hazzard stated they would review the sign location and would be happy to negotiate a satisfactory location with Mr. & Mrs. Heck.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to close the public hearing. **MOTION** carried unanimously 3 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to draft a decision taking into consideration all of the information received and the findings and conditions discussed. **MOTION** carried unanimously 3 to 0.

Mr. Hassinger reminded Mr. Bishop to include in the findings the Land Trust's willingness to work with Mr. & Mrs. Heck with regard to the sign location.

SP 2009-1 SARGON HANNA, (APPLICANT/OWNER) – "HANNA DRIVE"
SUBDIVISION – DETACHED TWO-FAMILY DWELLING IN R-20 ZONING
DISTRICT & CONCURRENT DEFINITIVE SUBDIVISION PLAN APPROVAL –
151 WORCESTER STREET

Chairman Courchesne opened the public hearing.

Applicant/Owner Sargon Hanna informed the Board that he wished to continue the public hearing to the first meeting in April, since there were only three members present.

Mr. Hassinger reminded the applicant that plans being submitted to the Planning Board for review must be received in the Planning Office on the Friday prior to the scheduled meeting, allowing adequate review time for the Board members.

Staff determined that Mr. McCarthy was eligible to invoke the Mullin Rule for this public hearing.

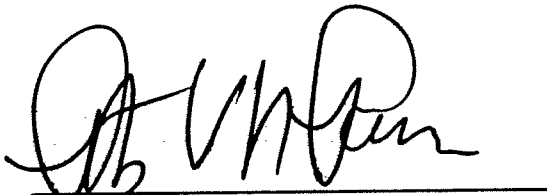
MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to grant the applicant's written request to continue the public hearing to April 13, 2009 at 7:30 p.m. **MOTION** carried unanimously 3 to 0.

Chairman Courchesne asked if there was any additional correspondence or reports to be heard. Chairman Courchesne added that the Affordable Housing Trust is moving

forward and negotiations are continuing with the Board of Selectmen for property located at 395 Providence Road.

MOTION by Mr. Parsons, **SECOND** by Mr. Hassinger, to adjourn the meeting.
MOTION carried unanimously 3 to 0.

The meeting was adjourned at 8:18 p. m.



Peter Parsons, Clerk